

REMARKS/ARGUMENTS

The present Amendment is responsive to the final Office Action mailed April 10, 2007, in the above-identified application.

Claims 1-22 are the claims currently pending in the application.

Claims 1, 5, 10, 18, 20, 21 and 22 are amended to clarify features recited thereby.

Rejection of Claims 1-4, 9-13, 15 and 18-22 under 35 U.S.C. §102

Claims 1-4, 9-13, 15 and 18-22 are rejected under 35 U.S.C. §102(b) as being anticipated by Straub et al., U.S. Patent No. 5,905,492. Reconsideration of this rejection is respectfully requested.

According to an aspect of applicant's claimed invention, a user of a mobile communication device may set a time condition for requesting data over a wireless network from a server to update the user's mobile communication device. For example, the user may be especially interested in a particular theme or type of image stored on the server and may wish to set the mobile communication device to retrieve the image at an early date in the future or at set periods, depending on the user's interest and commitment. Claims 1 and 18 require controlling transmission of the data request to the server depending on a user-designated time condition entered on user operation keys of the mobile communication device. Further, claims 10 and 21 require determining a transmission condition of a data request depending on a user's condition entered on user operation keys of the mobile communication device. Claims 20 and 22 require that the data request received is sent from the mobile communication device according to a user-designated time condition.

Straub discloses a dynamically updated theme for an operating system shell according to which the theme's resources are periodically updated from a remote computer (Straub, Abstract), such that a provider of the themed enhancements may continually change the updating resources residing on the server so as to make new enhancements that are consistent with the theme continually available to the theme-enhanced computer (Straub, column 3, lines 53-55), and such that a theme server periodically, for example, at intervals such as monthly, weekly or more or less frequently, updates the resources connected with the theme on the computer network (Straub, column 7, lines 7-21).

Straub does not disclose or suggest a user-designated time condition entered on user operation keys of the mobile communication device, as required by independent claims 1 and 18. Further, Straub does not disclose or suggest determining a transmission condition of a data request depending on a user's instruction entered on user operation keys of the mobile communication device as required by claims 10 and 21. Also, Straub does not disclose or suggest that the data request received is sent from the mobile communication device according to a user-designated time condition, as required by independent claims 20-22. As discussed, Straub discloses that the provider of the service changes the updating resources on the server so as to make new enhancements available. Accordingly, Straub does not disclose or suggest the recitations of claims 1, 10, 18 and 20-22.

Claims 2-4 and 9 depend from claim 1, claims 11-13 and 15 depend from claim 10, and claim 19 depends from claim 18. Therefore, claims 2-4, 9, 11-13, 15 and 19 are patentably distinguishable over the cited art for at least the same reasons.

Rejection of Claims 5, 6, 8, 14 and 17 under 35 U.S.C. §103

Claims 5, 6, 8, 14 and 17 are rejected under 35 U.S.C. §103 as being obvious from Straub in view of Tanaka, GB 2,372,587. Reconsideration of this rejection is respectfully requested.

Tanaka does not disclose the above-discussed deficiencies of Straub as they relate to the above-noted features of independent claims 1 and 10. Therefore, since claims 5, 6 and 8 depend from claim 1, and claims 14 and 17 depend from claim 10, claims 5, 6, 8, 14 and 17 are patentably distinguishable over the cited art for at least the same reasons.

Rejection of Claims 7 and 16 under 35 U.S.C. §103

Claims 7 and 16 are rejected under 35 U.S.C. §103 as being obvious from Straub and Yeh, U.S. Patent No. 6,675,010. Reconsideration of this rejection is respectfully requested.

Yeh does not disclose the above-discussed deficiencies of Straub as they relate to the above-noted features of claims 1 and 10. Therefore, since claims 7 and 16 depend from claims 1 and 10, respectively, they are patentably distinguishable over the cited art for at least the same reasons.

In view of the foregoing amendments and remarks, it is respectfully submitted that all claims presently pending in the application are believed to be in condition for allowance and patentably distinguishable over the art of record.

Accordingly, the Examiner is respectfully requested to reconsider the application, allow the claims as amended and pass this case to issue.

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